



2026:AHC:13662

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14179 of 2024

Yunus @ Kaley

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Alok Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Alok Kumar Singh, learned counsel for applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 09.12.2019 passed in Criminal Misc. Bail Application No.25680 of 2019.
4. The present bail application has been filed by the applicant in Case Crime No.426 of 2016, under Sections 147, 148, 149, 302, 420, 467, 468, 471, 120-B IPC, Police Station Indirapuram, District Ghaziabad with the prayer to enlarge him on bail.
5. Learned counsel for the applicant has stated that one of the co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 26.04.2019 prior to the rejection of the instant bail application of the applicant. Subsequent to it, the co-accused person Suhail has been granted bail by the Co-ordinate Bench of this Court vide order dated 29.03.2022.
6. Learned counsel for the applicant has further stated that of the four witnesses of fact, three have completely resiled from their earlier statements. PW-4 is the mother of the deceased person and she has also not supported

the prosecution story during her cross-examination. The trial is moving at a snail's pace. It is true that the applicant is a previous convict, but he is languishing in jail in the instant case since 24.11.2016, as such, the period of incarceration is more than nine years and there is no likelihood of conclusion of trial in near future. He is ready to cooperate with trial. In case, he is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the applicant is a previous convict, as such, there is no likelihood of him being released on bail. The criminal history assigned to the applicant has not been explained. There are several cases of murder against the applicant.

8. In rebuttal, learned counsel for the applicant has stated that he has been acquitted in eight cases and is on bail in other cases. The applicant has not been released on bail in the said appeal yet, as such, there is no likelihood of the applicant being released on bail after being enlarged on bail in the instant case.

9. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 08.08.2025, nineteen witnesses have already been examined and there are several trials which have been clubbed together, as such, seventeen more witnesses are yet to be examined.

10. After hearing learned counsel for the parties and taking into consideration the facts and circumstances of the case and the fact that the criminal history assigned to the applicant has not been explained, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **rejected**.

11. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

12. It is clarified that the observations made herein are limited to the facts

brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

January 20, 2026
(Ravi Kant)